IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20374 of 2004

Between:

1 Syed Zameer, S/o. Syed Khaja,
Adilabad Municipality, Adilabad.
2 Nimmala Ashok, S/o. Mallesh,
Adilabad Municipality, Adilabad.

..... PETITIONERS

AND

1 The Adilabad Municipality, rep. by its Commissioner, Adilabad.
2 Community Development Society, rep. by its President Smt.D.Padma W/o. Gansehsgoud, Adilabad Proper and District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent no.1 in not taking any action basing on the representation filed by the petitioners dt. 31.8.2004 regarding to conduct enquiry and not to disburse the funds to the respondent No.2, who has done the works contrary to the works entrusted to him, as arbitrary, illegal, null and void consequently direct the respondent No.1 to conduct enquiry and take necessary action against the respondent No.2 and not to release the funds in respondent No.2's favour who has done the works contrary to the works allotted to her.

Counsel for the Petitioners:MR.K.VENUMADHAV

Counsel for the Respondents: MR.R.TIMMA REDDY

The Court, at the stage of admission, made the following :

ORDER

Petitioners lack bona fide in filing the present writ petition. Even as per the averments in the affidavit filed in support of the writ petition, the construction work undertaken by the second respondent was during the year 2003 and development of laying of the road and the drainage work were also completed. If the works are not in accordance with the lay out sanctioned by the first respondent, what prevented the petitioners all these days to question the same, if they are really interested in execution of the works as per the lay out sanctioned, is not forthcoming. Further, the writ petition appears to be politically motivated to settle the personal score with the second respondent-society, who undertook the works. Hence, I see no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

5th November, 2004

tsr.

To

1 The Adilabad Municipality, rep. by its Commissioner, Adilabad
2. Two C.D. copies.